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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,062	02/16/2000	Jeffrey Dwork	52352-305	5785

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EXAMINER
TRAN, THIEN D

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 May 2003_ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9 and 11-17_ is/are rejected.

7)☒ Claim(s) _10,18 and 19_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .	

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-9, and 11-17 are rejected under 35 U.S.C. 102(e) as being participated

by Booth (U.S Patent No 6,065,073).

Regarding claim 1, Booth discloses an arrangement for polling external physical

layer device (PHY) registers in a network, comprising:

a number (n) of poll registers that store information indicating which PHY

registers are to be polled ;

a number (m) of poll data registers that receive polled information from the PHY

registers (col.20 lines 5-40); and

poll logic that automatically polls those PHY registers indicated by the information in the poll registers as PHY registers to be polled, and stores the polled information in the PHY registers. See col.19 lines 20-65.

Regarding claim 13, Booth discloses a method of automatically polling physical layer device (PHY) registers of a network, comprising the steps of:

storing addresses of a subset of PHY registers from a plurality of PHY registers;

periodically polling the PHY registers whose addresses are stored (col.19 lines 50-65);

storing polling results obtained by the periodically polling;

comparing the polling results with previous polling results (col.21 lines 1-25); and

generating an interrupt signal when the polling results are different from the previous polling results. See col.16 lines 30-55.

Regarding claim 2, Booth discloses the poll logic includes comparison logic that compares currently polled information with previously polled information stored in the poll data registers. See col.13 lines 1-35

Regarding claim 3, Booth discloses the poll logic includes write logic responsive to the comparison logic to replace the previously polled information stored in the poll data registers with the currently polled information when the currently-polled information is different than the previously polled information. See col.11 lines 30-60.

Regarding claim 4, Booth discloses the poll logic includes interrupts generation logic responsive to the comparison logic to generate an interrupt signal when the currently polled information is different than the previously polled information. See col.12 liens 20-50.

Regarding claim 5, Booth discloses that n and m are any integer. See col.8 lines 5-20.

Regarding claims 6 and 17, Booth discloses that each of the poll registers includes an address field that contains an address of a PHY containing a PHY register to be polled. See col.5 lines 45-65.

Regarding claim 7, Booth discloses that each of the poll registers includes a register number field that contains the register number of the PHY register to be polled of the PHY indicated by the address contained in the address field. See col.7 lines 20-55.

Regarding claim 8, Booth discloses that each of the poll registers includes an enable field that enables and disables automatic polling of the PHY register to be polled. See col.14 lines 1-15.

Regarding claim 9, Booth discloses that in one of the poll registers, the enable field is always set to enable automatic polling, the register number is set to the status register of the PHY, and the address field contains the address of a default PHY. See col.13 lines 35-50.

Regarding claims 11, 14, Booth discloses that each of the poll registers includes a default field that contains information, which determines whether the address in the address field is to be used, or the address of the default PHY is to be used to determine the PHY register to be polled. See col.11 lines 5-35.

Regarding claim 15, Booth discloses that the polling results are stored in poll data registers. See col.19 lines 45-67.

Regarding claim 16, Booth discloses comprising enabling and disabling the periodic polling by setting and clearing an enable field in the poll registers. See col.20 lines 5-40.

Regarding claim 17, Booth discloses comprising setting the enable field of one of the poll registers to permanently enable periodic polling, and storing the address of a status register of a default PHY in an address field of that poll register. See col.14 lines 5-20.

Regarding claim 12, Booth discloses comprising setting a default field in the poll registers to control whether the address stored in the poll register is to be used as the address of the default PHY when a PHY register is polled. See col.20 lines 15-50.

Allowable Subject Matter

3.   Claims 10, 18, 19, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Argument

4.   Applicant's arguments filed on 05/21/2003 have been fully considered but they are not persuasive.

Applicant argues that Booth does not disclose a number of poll registers that store information indicating which PHY registers are to be polled. However, examiner respectively disagrees with the argument because Booth discloses that the auto-polling

unit 920 is able to determine the address of with PHY device which to be polled (col.19

lines 60-67) by comparing the current values or information with the most recent values

or information in the auto-poll data registers 916 (n=2, could be more than 2, illustrated

in figure 11), if there is a difference in the comparison to one of the particular register

916, for example 916A, then the corresponding PHY PCS (PHY PCS comprising control

of status registers of the PHY PCS module itself) to that particular register 916A being

polled in the auto-poll process. Therefore, auto-poll data registers 916 are considered

as holding information to which the particular PHY PCS module being polled or not.

See col.20 lines 15-65.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communication from the
examiner should be directed to Thien Tran whose telephone number is (703) 308-4388.
The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature
of relating to the status of this application or proceeding should be directed to the Group
receptionist whose telephone number is (703) 305-3900.

Thien Tran

ALPUS H. HSU
PRIMARY EXAMINER